

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION

WILLIAM R. SCHUBERT and)	
DELISA SIMPSON-SCHUBERT)	
)	
individually and on behalf of their)	
minor daughters,)	
)	
S.M.S. 1 and)	
S.M.S. 2,)	
)	
Plaintiffs,)	
)	
Vs.)	Case No. 3:06-cv-92
)	Phillips/Shirley
BRUCE LAY, et al.)	
)	
Defendants.)	

ORDER APPROVING SETTLEMENT

The Court considered the Joint Petition (R. 106) filed herein, declarations of William R. Schubert and Delisa Simpson-Schubert, and the pleadings and record as a whole. Upon consideration of all the evidence in the case and having duly considered the same, the Court is of the opinion that it is in the best interests of the parties that the compromise and settlement, including the lump sum settlement described herein and in the contemporaneously filed Joint Petition be approved and confirmed.

It is, therefore, ORDERED, ADJUDGED and DECREED that the following compromise and settlement be and hereby is approved and confirmed:

(a) Billy Casper Golf Management, Inc., OakRidge Management, Inc. ("OMI"), Michael K. Cutler, and Michael C. Shearer (referred to collectively as "BCG"), will pay the sum of \$2,500.00 to the Petitioner, Savanna Schubert, c/o William R. Schubert and Delisa Simpson-Schubert, as her parents,

guardians and next friends; the sum of \$2,500.00 to the Petitioner, Sophia Schubert, c/o William R. Schubert and Delisa Simpson-Schubert, and as her parents, guardians and next friends. In addition to the payments to the these Petitioners, BCG has agreed to pay the sum of \$2,500.00 to William R. Schubert, individually; \$2,500.00 to Delisa Simpson-Schubert, individually, and \$5,000.00 to Ronald Rayson, the Schuberts' attorney, for attorney fees and expenses. BCG will also move the portable restroom currently located on hole 18 to another location on Centennial Golf Course, remove it from Centennial Golf Course or construct a fence 12 foot high by 16 foot wide to obstruct its view from the Schuberts' property within sixty days of the effective date of their settlement agreement. BCG further agrees to refrain from recommending to the City of Oak Ridge, Tennessee, that trees be planted on the property adjacent to the Schuberts' property that would obstruct the Schuberts' view of Centennial Golf Course. The payments and other promises referenced in this paragraph are being made in settlement of the Schuberts' claims in this civil action and for any claims which could have been brought in this civil action, including but not limited to, their claims under 20 U.S.C. §1681; 42 U.S.C. §1983; 42 U.S.C. §1985; Tenn. Code Ann. §39-17-309; Tenn. Code Ann. §4-21-701; and assault under Tennessee common law;

(b) In settlement of BCG's counterclaim in this civil action, the Schuberts have agreed not to use their personal golf cart to access Centennial Golf Course, including but not limited to, its parking lots, club house facilities, driving range, putting green, chipping green, or any other part of the Centennial Golf Course property. The Schuberts have further agreed that if they wish to access Centennial Golf Course by use of a golf cart or similar vehicle/equipment, they will use only a golf cart or similar vehicle/equipment rented to them by BCG/OMI or successor course management company when accessing any portion of the Centennial Golf Course, including but not limited to, its parking lots, club house facilities, driving range, putting green, chipping green, or any other part of the Centennial

Golf Course property. The promises in this paragraph are being made in settlement of BCG's counterclaim in this civil action, including but not limited to, its claim for trespass under Tennessee common law.

The Petitioners believe the proposed settlement is fair, and THE COURT SO FINDS that the settlement is fair and in the Petitioners' best interests, and that under the terms thereof, the Petitioners, Savanna Schubert and Sophia Schubert, are receiving a fair compromise for their claims. THE COURT FURTHER FINDS that the Petitioners, Savanna Schubert and Sophia Schubert, along with William R. Schubert and Delisa Simpson-Schubert, individually and as parents, guardians and next friends of Savanna Schubert and Sophia Schubert, are able to wisely manage and/or control the lump sum settlement set forth in this Order.

It is further ORDERED, ADJUDGED and DECREED that upon payment of the amounts set forth above and the fulfillment of the promises set forth above, that Billy Casper Golf Management, Inc., OakRidge Management, Inc., Michael K. Cutler, and Michael C. Shearer, be relieved and released from any and all further liability to said Petitioners, Savanna Schubert, Sophia Schubert, William R. Schubert and Delisa Simpson-Schubert individually and as parents, guardians, and next friends of Savanna Schubert and Sophia Schubert for all claims in this civil action and for any claims which could have been brought in this civil action, including but not limited to their claims under 20 U.S.C. §1681; 42 U.S.C. §1983; 42 U.S.C. §1985; Tenn. Code Ann. §39-17-309; Tenn. Code Ann. §4-21-701; and assault under Tennessee common law and the Schuberts be relieved and released from any and all further liability to BCG.

The Court having approved the settlement reached between the parties, it is hereby ORDERED, ADJUDGED and DECREED that all claims of the Petitioners, Savanna Schubert and Sophia Schubert, and William R. Schubert and Delisa Simpson-Schubert, individually and as parents,

guardians and next friends of Savanna Schubert and Sophia Schubert, against the Petitioners Billy Casper Golf Management, Inc., OakRidge Management, Inc., Michael K. Cutler, and Michael C. Shearer, be and the same hereby are dismissed with prejudice. It is further ORDERED, ADJUDGED and DECREED that all claims of BCG against the Schuberts be and the same hereby are dismissed with prejudice. Each party shall bear their own costs and expenses.

Enter:

A handwritten signature in black ink, reading "Thomas H. Phillips". The signature is written in a cursive style with a large, stylized "P".

U.S. District Judge